

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EUN JUNG, et al.,  
Plaintiff,  
v.  
LIBERTY MUTUAL FIRE INSURANCE COMPANY,  
Defendant.

Case No. C22-5127-RSL

**ORDER GRANTING IN  
PART AND DENYING IN  
PART DEFENDANT'S  
MOTION TO COMPEL**

This matter comes before the Court on defendant's "Motion to Compel Plaintiff's Initial Disclosures and Responses to Defendant's First Interrogatories and Requests for Production." Dkt. # 11. The motion is unopposed. "Except for motions for summary judgment, if a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit." Local Rules W.D. Wash. 7(b)(2).

Having reviewed the motions, declarations, and exhibits submitted by defendant, the Court finds that plaintiff has failed to make initial disclosures as required by Fed. R. Civ. P. 26(a) and has failed to respond to Defendant's First Interrogatories and Requests for Production. The Court further finds that defendant "in good faith conferred or attempted to confer" with plaintiff pursuant to the requirements of Fed. R. Civ. P. 37(a)(1) and Local Rule 37(a)(1). Accordingly, the Court grants defendant's motion to compel.

Defendant also requests an award of its reasonable attorney's fees and costs "in the sum of \$6,694.00." Dkt. # 11-1; *see also* Dkt. # 12 at 3-4 (explaining calculation of fees). Rule 37 states that if a motion to compel is granted, "the court must, after giving an opportunity to be

1 heard, require the party or deponent whose conduct necessitated the motion, the party or  
2 attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in  
3 making the motion, including attorney's fees." Fed. R. Civ. P. 37(a)(5)(A). Accordingly, before  
4 an award can be granted, the Court must give plaintiff an "opportunity to be heard."

5 Based on the foregoing reasons, defendant's motion to compel is GRANTED in part and  
6 DENIED in part. It is hereby ORDERED:

- 7 1. Within 14 days (two weeks) of this Order, plaintiff Eun Jung must serve  
8 supplemental initial disclosures on defendant identifying (1) all individuals likely  
9 to have discoverable information along with the subjects of that information and  
10 (2) a computation of each category of damages she is claiming in this lawsuit;
- 11 2. Within 14 days (two weeks) of this Order, plaintiff Eun Jung must provide to  
12 defendant all documents that she has in her possession, custody, or control and  
13 may use to support her claims or defenses;
- 14 3. Within 14 days (two weeks) of this Order, plaintiff Eun Jung must serve complete  
15 answers and produce all documents responsive to Defendant's First Interrogatories  
16 and Requests for Production;
- 17 4. Plaintiff may file on or before November 16, 2022, an opposition to defendant's  
18 fee request and/or the amount demanded.

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20 DATED this 31<sup>st</sup> day of October, 2022.  
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24 Robert S. Lasnik  
25 United States District Judge  
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